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immigration question either with an American or with a Chinese commission, because it is a question which has to be settled between China and the United States alone.

As far as the immigration question is concerned, Japan's attitude and policy permit of no misconstruction. She has in no uncertain terms told the United States that she would of her own accord stop the emigration of her laborers to the United States, and she has faithfully been adhering to the pledge. At the same time, she has unmistakably intimated to the American Government that her subjects legitimately admitted into this country be not discriminated against. This is a proposition just and incontrovertible. It requires no discussion. All that has to be done is to extend citizenship to the Japanese. It is absurd as it is unjust that ignorant immigrants from countries far more backward than Japan can be freely naturalized, while the Japanese, with all the qualifications for citizenship, are compelled to remain aliens, however devoted they may be to this country.

International usage, unwritten but nevertheless in force, rules that no nation should be discriminated against by any power with which it is on a plane of equality. A nation, admitted by universal consent into the comity of the world's foremost powers, has the right to demand of any nation with which it enters into intercourse a treatment usually accorded such powers. Now Japan is the only nation in the Orient which has attained such a position. In discussing the immigration question, therefore, Japan speaks only for herself and not as the champion of all Asiatic peoples. She believes that she is different from China almost as widely as China is different from Europe and America. That is why she does not care to join any American-Chinese conference whose object is to settle the immigration question.

There is another point which the Americans must bear in mind in discussing the immigration question. The pet theory of Japanese exclusionists has been that the American Government has the right to decide what people should be admitted and what should be barred out. For the sake of politeness, Japan has been willing to concede that point in favor of America. But the truth is that America, or any other nation, has no such right. Immigration is simply another term for travel and trade, and the freedom of travel and trade from one country to another is explicitly guaranteed in all international treaties of amity and commerce. If Japan restricts of her own accord the immigration of her subjects to this country, it is not because she recognizes America's right to discriminate against her, but because she prefers to retain American friendship rather than create a serious issue over immigration. In other words, Japan's voluntary restriction of emigration to America is a special act of courtesy, and not her admission of American right of exclusion. That the restriction of immigration belongs to the sovereign right of the United States does not mean that she may arbitrarily exclude immigrants from one country and freely admit those from another. If she finds it necessary to adopt an exclusion law, such a law should be made applicable to all nations, or at any rate to those nations which have been admitted into the family of civilized powers. If the United States may arbitrarily discriminate against one nation in the matter of immi-

gration, she may likewise adopt discriminatory measures in the matter of the tariff. The recognition of such rights would upset and destroy all the established international usages. Will America permit Japan to impose especially high duties upon American goods?

For the reasons we have given, Japan is not likely to respond favorably to the proposal advanced in Senator La Follette's resolution. In the light of present deplorable condition of American-Japanese relations we can fully appreciate and sympathize with the motives which prompted the distinguished Senator from Wisconsin to propose the resolution, but the proposition, to be acceptable to Japan, must, we think, conform to the following two conditions:

First. The scope of conference should be restricted to the immigration question, including the question of the treatment of the Japanese in America.

Second. Separate conferences should be held between Japan and the United States and between China and the United States. A triple conference among the three countries is not practicable.

## A NEUTRAL TREATY OF PEACE

By MacCORMAC SNOW

THE European war is a disaster which has fallen on the whole world. It has affected us vitally here in America. The peace to come will concern us in its every aspect, and we must begin now to form our own idea of how that peace must best be made. For the best interests of himself and the whole world, how would a neutral construct that peace?

Every neutral American has his own theory of the possibilities of such an agreement. Very possibly they all differ. Yet American opinion, as expressed eventually in national terms, must be the composite of all these various views. Shall we not arrive more surely and quickly at the national view of the matter through the expression and criticism of individual views?

In such spirit the following articles regulating the settlement of the European war are drawn. They represent one American's attempt to formulate and state the views of the majority of neutral Americans. They are based on three distinctively American concepts of justice, as follows:

That war and peace are international affairs, affecting combatant and non-combatant;

That governments derive their just powers from the consent of the governed, and that every human community, sufficiently advanced in civilization to admit of self-government, has the right to elect to which nation it shall owe allegiance, or whether it shall be independent;

That war is detrimental to all human society, and that its future recurrence should be guarded against to the utmost possible extent.

These propositions, and the natural assumption that the accepted rules and customs of international law should obtain so far as they apply, have been used as the groundwork for the following articles:

### Article I.

No war indemnity shall be exacted.



## Article II.

Germany shall make compensation for all Belgian property, public or private, other than munitions of war, taken by herself or destroyed by herself or any other nation through military necessity during the war, but shall not be required to make good the sums expended by Belgium on warlike measures.

## Article III.

All territory, central and colonial, taken by any belligerent from any other during the war shall be restored. Nevertheless, German and Russian Poland, Alsace-Lorraine, and the Magyar, Slavic, and Italian provinces of Austria shall be permitted, should any of them so decide, to hold elections, each province for itself to determine by a majority vote to which nation it shall owe allegiance, or whether it shall become an independent nation.

## Article IV.

All private property requisitioned or otherwise confiscated during the war, other than munitions of war, neutral contraband goods captured or destroyed at sea, and enemy property captured at sea, shall be compensated for by the nation taking it. All contributions levied during the war shall be repaid by the nations which levied them. All public property, other than munitions of war, confiscated on land during the war shall be compensated for by the nation taking the same. No compensation shall be made for property, whether public or private, destroyed during the war through military necessity, except the property of neutral nations and individuals, for which compensation shall be made. Indemnities shall be paid to the families of all non-combatants killed during the war by the nation responsible for the death of the same, except those killed while actively engaged in aiding one of the belligerents or executed because of having given such aid. Nothing in this article shall be construed as derogating from the provisions of Article II.

## Article V.

An impartial tribunal shall be appointed and empowered to hear evidence touching all claims for money payments to be made by virtue of the treaty, and the decrees of this tribunal shall be final and binding on claimants and repaying nations alike.

## Article VI.

No war shall be declared in the future between any two of the nations signatory to the treaty until after the matters in dispute between such nations have been submitted to The Hague Permanent Court of Arbitration, or some similar tribunal, and the decision of such court or tribunal has been rendered.

## Article VII.

The straits of the Dardanelles shall be open to the use of the merchant and war vessels of all nations alike.

These articles, which naturally are in no way a substitute for a complete treaty of peace, may be briefly explained.

The first article proceeds on the theory that might does not make right, and that therefore no American is willing to accept terms of settlement on the premise that a "wrong-doer" is to be penalized. The evidence surrounding the start of the war has been read without profit and without decision. There is not enough difference in wrongs and rights to justify the imposition of the enormous indemnities that might be claimed. Added to this is the fact that the world now understands where the burden of such payments must fall—upon the common people of the paying nation. These can ill afford to pay, and, moreover, they are innocent of having brought on the war.

The provision for the benefit of Belgium in Article II is based on the theory that Germany should respond in such manner as she can for damages done by her wrongful act, and, indeed, as she has promised to do. This will be approved by all liberal-minded Germans who recall the statement of the Imperial Chancellor of Germany appearing in the American newspapers of August 15, 1914:

"Necessity forced us to violate the neutrality of Belgium, but we had promised emphatically to compensate that country for all damage inflicted."

The settlement suggested in Article IV follows the general practices of international law. The rules on these matters are based on an enlightened policy and are generally equitable.

The chief hope for the rehabilitation of the world after the war lies in the adoption by the belligerents of liberal policies toward each other in all their international relations. If the final treaty of peace is dictated by hatred and desire for revenge, the recovery of the world will be much retarded. If the treaty incorporates principles of equity and broadly accepted maxims of liberal government, the recovery will be that much faster. Moreover, there will be no thorn left in the flesh as a cause for future wars.

To the victor, whether it be the Triple Entente or the Austro-German Alliance, the world will owe an immense debt of gratitude if the terms of peace are dictated not by an all-consuming thirst for military glories, but by a genuine desire for the benefit of humanity.

In piquant contrast to Mr. Snow's plan and his assertion that "liberal policies toward each other" should be the first effort of the nations after war is the report that the Allies are planning a customs union, or Zollverein, of unprecedented proportion. During an indefinite period following the peace, it is proposed to subject the commerce of their enemies "either to prohibition or to a special system that shall be efficacious." They propose to omit "the most favored nation clause" of the old commercial treaties, and all of the nine Allies are openly to give each other preference in their reciprocal trade. The present war in no insignificant sense grew out of Germany's complaint of discrimination against her. The Allies denied this discrimination. But now the Allies are starting out on a discrimination, open, all their own, and dangerous. Germany and the other Central Powers will, of course, complain. If the plans of the Zollverein are matured and enforced, the basis for the complaint cannot again be denied. In any event, the capitalists of the Allies are paving the way for commercial hatreds sure to breed war. It will simply be Zollverein against Zollverein, and then armies against armies.—THE EDITORS.